

 FORM TO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. <del>NIH298.1DC1CC1</del> <b>NIH298.1DC1CC1</b>	APPLICATION NO. 10/659,711
	APPLICANT Merrill et al.	
	FILING DATE September 11, 2003	GROUP <del>1646</del> <b>1648</b>

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
<i>JS</i>	1	4,332,897	06/01/1982	Nakano et al.			
<i>JS</i>	2	4,375,734	03/08/1983	Kozloff et al.			
	3	4,797,363	01/10/1989	Teodorescu et al.			
	4	4,865,979	09/12/1989	Nakano et al.			
	5	4,946,778	08/07/1990	Ladner et al.			
	6	5,132,221	06/21/1992	Ward et al.			
	7	5,168,037	12/01/1992	Entis et al.			
	8	5,284,934	02/08/1994	Allen, Jr.			
	9	5,344,822	09/06/1994	Levine et al.			

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
<i>JS</i>	10	Angel, M.F. et al. 1987 "Beneficial effects of staphage lysate in the treatment of chronic recurrent hidradenitis suppurativa," <i>Surgical Forum</i> 38:111-112.
	11	Audesirk, G. et al. 1986 <i>Biology Life on Earth</i> , Macmillan Publishing Company, N.Y. pp. 202-203.
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	15	Cislo, M. et al. 1987 "Bacteriophage treatment of suppurative skin infections." <i>Arch Immunol Ther Exp (Warsz)</i> . 35:175-183.
	16	Engelstad, M. et al. 1992 "A constitutively expressed vaccinia gene encodes a 42-kDa glycoprotein related to complement control factors that forms part of the extracellular virus envelope." <i>Virology</i> 188:801-810.
	17	Frank, M.M. et al. 1992 "The Mechanism by which microorganisms avoid complement attack," <i>Curr. Opin. Immunol.</i> 4:14-19.
	18	Geier, M.R. et al. 1973 "Fate of bacteriophage Lamda in non-immune germ-free mice," <i>Nature</i> 246:221-222.

EXAMINER	DATE CONSIDERED
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. <del>NIH298.1DC1CC1</del> <b>NIH298.1DC1CC1</b>	APPLICATION NO. 10/659,711
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Merril et al.	
		FILING DATE September 11, 2003	GROUP <del>1045</del> <b>1046</b>

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
	19 Gherna, R., et al. 1992 <u>American Type Culture Collection Catalogue of Bacteria and Phages</u> , Eighteenth edition, pp. 402-409.
	20 Hidaka, Y. et al. 1991 "Glycoprotein C of herpes simplex virus type 1 is essential for the virus to evade antibody-independent complement-mediated virus inactivation and lysis of virus-infected cells" <i>J. Gen. Virol.</i> 72:915-921.
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	23 Jackson, R.J. et al. 2001 "Expression of mouse interleukin-4 by a recombinant ectromelia virus suppresses cytolytic lymphocyte responses and overcomes genetic resistance to mousepox," <i>J. Virol.</i> 75:1205-1210.
	24 Kress, D.W. et al. 1980 "A preliminary report on the use of staphage lysate for treatment of hidradenitis suppurativa," <i>Ann. Plastic Surgery</i> 6:393-395.
	25 Kucharewicz-Krukowska, A. et al. 1987 "Immunogenic effect of bacteriophage in patients subjected to phage therapy." <i>Arch Immunol Ther Exp (Warsz)</i> . 35:553-561.
	26 Lambiris, J.D. et al. 1993 "Use of synthetic peptides in exploring and modifying complement reactivities." In <u>Activators and inhibitors of complement activation</u> . R.B. Sim, editor. Kluwer Academic Press, Lancaster. pp. 201-232.
	<del>27 Mazacek, M. et al. 1969 "Die Bakteriophage in der therapie und prophylaxe der infektionskrankheiten," <i>Zentralbl. Bakteriol.</i> 244:385-394.</del>
	28 Merrill, C.R. et al. (1996) "Long-circulating bacteriophage as antibacterial agents," <i>PNAS USA</i> 93:3188-3192.
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	30 Peake, P. et al. 1990 "Peptide inhibitors of C3 breakdown." <i>Clin. Exp. Immunol.</i> 79:454-458.
	31 Peremitina, L.D. et al. 1981 "[Experience in the therapeutic use of bacteriophage preparations in suppurative surgical infections]" <i>Zh. Mikrobiol. Epidemiol. Immunobiol.</i> 9:109-110.
	32 Roitt I.M. 1991 <u>Essential Immunology</u> , Seventh Edition, Blackwell Scientific Publications, pp. 110-113.
	33 Rother, R.P. et al. 1995 "Protection of retroviral vector particles in human blood through complement inhibition." <i>Human Gene Therapy</i> 6:429-435.
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	35 Schasteen, C.S. et al., 1988 "Synthetic peptide inhibitors of complement serine proteases—II. Effects on hemolytic activity and production of C3a and C4a." <i>Molec. Immunol.</i> 25:1269-1275.
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EXAMINER 	DATE CONSIDERED <b>12/9/05</b>
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. <del>NIH298/DC1CC1</del> <b>NIH298:DC1CC1</b>	APPLICATION NO. 10/659,711
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)	APPLICANT Merrill et al.	
	FILING DATE September 11, 2003	GROUP <del>1845</del> <b>1040</b>

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
JA	40 Slopek, S. et al. 1985 "Results of bacteriophage treatment of suppurative bacterial infections. VI. Analysis of treatment of suppurative staphylococcal infections," <i>Arch Immunol Ther Exp (Warsz)</i> 33:261-273.
	41 Smith, H.W. et al. 1982 "Successful treatment of experimental <i>Escherichia coli</i> infections in mice using phage: its general superiority over antibiotics," <i>J. Gen. Microbiol.</i> 128:307-318.
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	46 Vymola, F. et al. 1974 "Staphylococcal osteomyelitis" <i>Ann. N Y Acad. Sci.</i> 236:508-514.
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Multiple sheets used when necessary)

SHEET 1 OF 2

Application No.	10/659,711
Filing Date	September 11, 2003
First Named Inventor	Merril et al.
Art Unit	1648
Examiner	Stucker, Jeffrey J.
Attorney Docket No.	NIH298.1DC1CC1

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
<i>JS</i>	1.	5,660,812	08/26/1997	Merril et al.	
<i>JS</i>	2.	5,688,501	11/18/1997	Merril et al.	
	3.	5,766,892	06/16/1998	Merril et al.	
	4.	5,811,093	09/12/1998	Merril et al.	
	5.	US 2001/0026795 A1	10/04/2001	Merril et al.	
	6.	US 2001/0043917 A1	11/22/2001	Merril et al.	
	7.	US 2003/0026785 A1	02/06/2003	Merril et al.	
	8.	US 2004/0161431 A1	08/19/2004	Carlton et al.	
	9.	US 2005/0063957 A1	3/24/2005	Merril et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>1</sup>
<i>JS</i>	10.	WO 95/27043 A1	10/12/1995	Exponential Biotherapies, Inc. and The Government of the USA		
<i>JS</i>	11.	WO 97/39118 A1	10/23/1997	Exponential Biotherapies, Inc. and The Government of the USA		

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>1</sup>
<i>JS</i>	12.	U.S. Application No. 08/222,952, filed 04/05/1994 to CARLTON et al.	
<i>JS</i>	13.	U.S. Application No. 08/222,956, filed 04/05/1994 to MERRIL et al..	
	14.	U.S. Application No. 08/454,415, filed 05/30/1995 to MERRIL et al.	
	15.	U.S. Application No. 08/454,417, filed 05/30/1995 to MERRIL et al.	

Examiner Signature

*JS*

Date Considered

12/9/05

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Multiple sheets used when necessary)</i>	Application No.	10/659,711
	Filing Date	September 11, 2003
	First Named Inventor	Merril et al.
	Art Unit	1648
	Examiner	Stucker, Jeffrey J.
SHEET 2 OF 2	Attorney Docket No.	NIH298.1DC1CC1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>1</sup>
<i>JS</i>	16.	U.S. Application No. 08/795,541, filed 02/06/1997 to MERRIL et al.	
<i>JS</i>	17.	U.S. Application No. 08/811,344, filed 03/04/1997 to MERRIL et al.	
<i>JS</i>	18.	U.S. Application No. 08/944,512, filed 10/06/1997 to CARLTON et al.	
<i>JS</i>	19.	U.S. Application No. 09/865,717, filed 05/29/2001 to CARLTON et al.	

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Examiner Signature <i>JS</i>	Date Considered <i>12/9/05</i>
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